

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ALVIN SUAREZ, *on behalf of himself  
and all others similarly situated*,  
Plaintiff,

-v-

BLUE SKY CYCLING, INC.,  
Defendant.

23-CV-10126 (JPO)

ORDER

J. PAUL OETKEN, District Judge:

On November 17, 2023, Plaintiff Alvin Suarez, on behalf of himself and all others similarly situated, brought this action against Blue Sky Cycling, Inc. (ECF No. 1.) Plaintiff served Defendant on December 7, 2023, and an answer from Defendant was due by December 28, 2023. (ECF No. 5.)

In a letter dated December 22, 2023, individual Luis Aguilar identified himself as related to Defendant and submitted a letter to the Court, asking for the Court to dismiss the case because “Blueskycycling.com is no longer in business and the URL/Phone Numbers are no longer in service.” (ECF No. 6.) On January 5, 2024, this Court ordered Plaintiff to show cause why this case should not be dismissed as moot in light of the information in the letter at ECF No. 6. (ECF No. 7.) On January 11, 2024, Plaintiff filed a response to the Court’s order, arguing first, that the relief requested at ECF No. 6 should be denied because Defendant must appear through counsel, and second, that the information in the letter was false. (*See* ECF No. 9.)

Defendant is warned that companies must be represented by counsel and cannot appear *pro se*. If Defendant does not have counsel appear on its behalf within 14 days and respond to the complaint, it risks the entry of a default judgment against it.

If Defendant does not appear through counsel and answer the complaint within 14 days, Plaintiff is directed to (1) file a status letter or (2) move for default judgment against Defendant on or before March 1, 2024.

Plaintiff is also directed to serve a copy of this order by mail on Defendant within seven days.

SO ORDERED.

Dated: January 19, 2024  
New York, New York



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J. PAUL OETKEN  
United States District Judge